



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

MAILED

JUN 08 2009

OFFICE OF PETITIONS

In re Patent No. 7,403,933 :
Thomas Arend : DECISION ON
Issue Date: July 22, 2008 : REQUEST FOR RECONSIDERATION
Application No. 10/697,433 : OF
Filed: October 31, 2003 : PATENT TERM ADJUSTMENT
Attorney Docket No. 08516.0005:

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT DETERMINATION UNDER 37 C.F.R § 1.705(d)", filed January 16, 2009, requesting that the patent term adjustment determination for the above-identified patent be changed from 401 days to 562 days.

The above-identified application matured into U.S. Patent No. 7,403,933 on July 22, 2008. The patent issued with a PTA of 401 days. Patentees request that the adjustment be increased from 401 days to an adjustment of 562 days. The instant request for reconsideration was filed January 16, 2009.

In accordance with 37 CFR 1.705(d), "[i]f the patent indicates or should have indicated a revised patent term adjustment, any request for reconsideration of the patent term adjustment indicated in the patent must be filed within two months of the date the patent issued and must comply with the requirements of paragraphs (b)(1) and (b)(2) of this section."

Moreover, in accordance with 37 CFR 1.705(e), the periods set forth in 37 CFR 1.705 are not extendable.

In view thereof, the instant application for patent term adjustment under 37 CFR 1.705(d) is **DISMISSED AS UNTIMELY FILED.**

Any request for reconsideration of this decision must be submitted within TWO MONTHS of the mail date of the instant

decision indicated above. Extensions under 37 CFR 1.136 are not permitted.

The Office hereby acknowledges submission of the required \$200.00 application fee set forth in 37 CFR 1.18(e).

Telephone inquiries specific to this matter should be directed to Attorney Derek Woods at (571) 272-3232.

A handwritten signature in black ink, appearing to read 'Alesia Brown', with a stylized flourish at the end.

Alesia Brown
Petitions Attorney
Office of Petitions